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ABSTRACT

This book examines the history and experience of programs for children of inmates. Section 1 discusses parental ties, emphasizing bonding and the father's role. Section 2 describes prison nurseries, day care and children's centers, parenting classes, furloughs, family and conjugal visits, community facilities, visitation policies, support services, and penal colonies. Focusing on legal issues, Section 3 discusses the best interests of the child and liability. Section 4 indicates matters raised by child psychologists which program planners should consider and offers recommendations for program implementation and research. Section 5 provides a comprehensive table of types of programs for inmate parents and their children, including prison nurseries, overnight stays, family and conjugal visits, children's and day care centers, parenting classes, and furloughs. The table also indicates the availability of community facilities for mothers and children, number of female inmates surveyed, and lists the names and addresses of surveyed institutions and programs. Also provided in Section 5 are Section 4-1116 (Preserving Parental Relationships) of the Uniform Law Commissioners Model Sentencing and Corrections Act, a list of individuals contacted by survey or for expert opinion, and a bibliography of the literature concerning programs for incarcerated parents and children. (RH)

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PRISONS and KIDS

Programs for Inmate Parents

PS 015735

James Boudouris, Ph.D.

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PRISONS AND KIDS

Programs for Inmate Parents

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Foreword

Many of the problems plaguing correctional planners and administrators appear to lack a readily acceptable solution. The nature of corrections itself tends to defy rationality for many groups and age-old questions concerning why things are done the way they are done keep popping up. The subject of this book, **Prisons and Kids: Programs for Inmate Parents,** is a classic example. How we decide what services and facilities are appropriate for incarcerated parents (mainly mothers) and their children is an issue that has been debated for years.

Dr. James Boudouris cuts through the rhetoric of both advocates and critics in this study. He examines the history and experience of programs for children of inmates, detailing the great variety of approaches tried by institutions over the years. He also attempts to discover reasons for the success or failure of various efforts, often citing the arguments of both proponents and opponents of the programs.

The topic is not an easy one, and Dr. Boudouris is to be commended for collecting and clearly presenting the detailed information correctional administrators need to make decisions on services for inmate parents. While he does not resolve all the questions surrounding this controversial issue, he provides us an objective context for choosing what is best for a particular setting. For any correctional planner, legislator or advocate concerned with practical, legal and ethical guidelines to decision making on programs for prisoners' kids, this short book is a valuable tool.

Anthony P. Travisono
Executive Director
American Correctional Association

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I am grateful to the many persons in correctional agencies and institutions throughout the United States who responded to my survey. I wish to thank Hal Farrier, director of the Iowa Department of Corrections, for permission to publish this monograph, which is based on an earlier report for the department.

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1. Parental Ties

Should infants and young children live in correctional institutions with their incarcerated mothers? Do bonding and parenting play a role in rehabilitation? What can correctional institutions realistically provide for inmates and their families?

Questions surrounding programs for incarcerated mothers and their children are controversial and emotional for both the public and correctional administrators. On the one hand, advocates stress the need to maintain a strong mother-child relationship through the child's early development. On the other, opponents cite administrative difficulties in offering programs for inmates' children. They argue too that it is wrong to subject an innocent child to imprisonment because of a parent's crime.

Despite lengthy experience with a variety of approaches since the 1850s, there is no consensus among correctional officials on how best to handle arrangements for incarcerated mothers and their children. Administrators do agree the inmate-child relationship should be maintained and strengthened if possible. But the availability and types of programs seem to depend on individual institutions and political realities.

This study surveys programs for incarcerated mothers and their children in all 50 states. Information was obtained either by telephone interviews or questionnaires from respondents in 55 state institutions and two federal institutions, representing a total of 15,337 incarcerated women. The study also includes findings from a review of the literature, including works in sociology, psychology, psychiatry, social work, law, pediatrics, and corrections.

While the study began as an examination of day care centers and nurseries in correctional institutions, it expanded to include visitation policies and procedures, family units and conjugal visits, community facilities, supportive services for inmates with children, and even penal colonies. The range of programmatic options and state experiences with their use are described in Part 2. Part 3 discusses some of the legal issues involved. Part 4 provides a context for decision making by exploring concerns of child development specialists regarding programs for inmates and their children. And Part 5 contains a table summarizing the information gathered as well as references to people contacted and publications reviewed.

Bonding

The issue of bonding between mother and child is central to all arguments concerning prison nurseries, visitation, child custody, or inmate rights concerning children. Reflected in such concepts as the *tender years doctrine, maternal presumption,* and *best interests of the child,* the literature advocating programs for incarcerated mothers considers the mother-child bond to be the philosophical foundation for institutional and community programs. The assumption is that bonding is critical for healthy development and emotional growth, and that its absence has many undesirable consequences for the child. Other assumptions involve the benefits of bonding for the incarcerated mother. Caring for an infant, it is argued, has a positive impact on rehabilitation by enhancing a mother's self-esteem, easing her guilt and anxiety about separation, and providing an opportunity for integrating her identity.

Stanton (1980) has said, however, incarcerated mothers tend to "exaggerate their maternal solicitude" and "often express very unrealistic and ideological perceptions of their maternal role." Baunach (1982) made a similar observation. Studying the effects of separation of inmate mothers from their children, Baunach (1979; 1982; 1984) also cited an advantage of separation:

> For some mothers, an additional impact of the separation is to heighten their understanding of their own behavior and its effects on their children. Especially for

> mothers who had been involved in drugs or alcohol for prolonged periods, incarceration provided them with a chance to step back and take stock of the experiences their children have endured (1979, p. 121).

The bonding issue encompasses both neonatal contacts and mother-child separation. A 1976 book by Klaus and Kennell gave rise to the popular belief in the benefits of early physical contact between mothers and newborns—a view formally endorsed by the American Association of Pediatrics, the American College of Obstetrics and Gynecology, and the American Hospital Association, according to Lamb (1982).

Chess and Thomas (1982) wrote:

> In middle-class American society, the mother-infant relationship is invested with a special mystique, both in the mass media and the professional literature. In the marketplace, the image of the blissful, nurturant mother with a happy, contented baby is used as a symbol of all that is desirable and good; by juxtaposition, these qualities are presumably transferred to the advertised product, whether it be soap or automobiles.
>
> In the mental health field, the concept of the decisive importance of the mother for the infant's development took hold gradually, starting in the 1920s with Freud's and Watson's emphasis on the paramount importance of the first years of life (p. 213).

This view was supported by other studies in the 1930s and '40s, climaxed by Bowlby's 1951 report on the negative consequences of maternal deprivation.

By the 1970s, however, Chess and Thomas state that there were frequent challenges to the professional ideology that held parents, "primarily the mother, all-responsible for their child's developmental course." By the mid-1970s the new consensus was that although the mother is important, the child's development is subject to other influences such as "the father, siblings, the pattern of family organization and function, school, peer groups, larger social environment, and the child's own characteristics" (p. 215).

Effects of Separation

Lamb concluded, "Taken together, studies show no clear evidence for any lasting effect of early physical contact between mother and infant on subsequent maternal behavior. The most that can be said is that it may sometimes have modest short-term effects on some mothers in some circumstances" (1982, p. 11). Brody (1983) notes a change in Klaus' position, quoting Klaus as saying in an interview:

> . . . Rather, I'd say there is a suggestion that for some mothers additional contact in the first hours and days of life may be helpful and in some it may have a profound effect on how they care for the baby, especially poor mothers with few social supports. Right now, there are no studies that confirm or deny the presence of a sensitive period or that measure how much contact is needed between mother and baby during the first hours or days of life to have an effect.

Rutter (1971), who collaborated with Chess and Thomas in 1963, is also critical of the "misconceptions, myths, and false knowledge" on child-rearing that he says are rife. He studied British families and the long-term effects of different kinds of separation, such as working mothers, transient separations (illness or holidays), and permanent separations (death, divorce, or separation). On the basis of a review of the literature and his own research, Rutter concluded, "Separation experiences have some association with the later development of antisocial behavior, but this is due not to the fact of the separation itself, but rather to the family discord which precedes and accompanies the separation" (p. 256). Furthermore, he found that a good relationship with one parent can help mitigate the effects of a poor family situation characterized by discord.

In a more recent paper, Rutter (1979) summarized some of the research and literature on maternal deprivation and emerging issues. Some of the issues requiring additional research are: 1) the importance of the reciprocal relationship of parent-child interaction; 2) the links between childhood experiences and subsequent parenting behavior; 3) important factors outside the home, such as ecological influences and school experiences; and 4) the reasons why some children appear more vulnerable to stresses than others. In conclusion, Rutter stated:

> New research has confirmed that, although an important stress, separation is not the crucial factor in most varieties of deprivation. Investigations have also demonstrated the importance of a child's relationship with people other than his mother. Most important of all, there has been the repeated finding that many children are not damaged by deprivation (p. 298).

In 1954, Margaret Mead summarized the state of knowledge in remarks foretelling Rutter's views 20 years later.

> At present, the specific biological situation of the continuing relationship of the child to its biological mother and its need for care by human beings are being hopelessly confused in the growing insistence that child and biological mother, or mother surrogate, must never be separated, that all separation, even for a few days, is inevitably damaging, and that if long enough it does irreversible damage. This, as Hilde Bruch (1952) has cogently pointed out, is a new and subtle form of anti-feminism in which men—under the guise of exalting the importance of maternity—are tying women more tightly to their children than has been thought necessary since the invention of bottle feeding and baby carriages. Actually, anthropological evidence gives no support at

present to the value of such an accentuation of the tie between mother and child. On the contrary, cross-cultural studies suggest that adjustment is most facilitated if the child is cared for by many warm, friendly people (p. 477).

The Father's Role

While emphasis in this paper and the literature is on the inmate mother, parenting opportunities for inmate fathers should also be considered. Baunach (1979) has emphasized the need for more research on incarcerated fathers and their children.

In one of the few papers encountered on this subject, Sack (1977) points out that the paternal role in theories of child development has been historically neglected. He cites a finding by Rutter (1971) that boys were more likely to show psychiatric disorders if it was the father rather than the mother who died or was ill. However, Rutter also wrote, "It may be that the importance of the same-sexed parent is marked only at certain ages, perhaps in adolescence." Sack called for more research, suggesting that parental discord may be more important with boys than with girls and that boys appear to be more vulnerable to psychological and biological stresses than girls. Walker *et al.* (1981) reported similar findings among Danish children.

In a study of six Boston families over a three-year period, Sack attempted to determine the effects of the father's incarceration on 24 children in these families. Half the children demonstrated aggressive and antisocial behavior, particularly the boys.

A program to meet the needs of families of incarcerated men at the Washington State Reformatory at Monroe was started in 1973. It provides family education, early childhood education, and children's activities (Taylor and Durr, 1977).

The Prisoners' Rights Sourcebook also recognizes the parental rights of male inmates:

> Although the emphasis here is on women prisoners, it is not in any way suggested that male prisoners should not be afforded the same rights in regard to their children as are women. Children should be allowed

to visit their fathers as well. Fathers should not be deprived of their custody rights either (Herman and Haft, 1973, pp. 346-7).

2. Programs

At one end of a continuum of programs developed for the children of incarcerated mothers are prison nurseries. At the other end is care of the children by extended family members (including the grandparents, father, and other relatives) or placement in foster care. Usually, in the case of foster care, preferable placements are in the community near the facility where the mother is incarcerated. When this is possible, normal visitation rules are eased so children may play and interact with their mothers in a day care center or children's center.

Between the intimacy of prison nurseries and the distance of foster care placement lies a variety of other arrangements for inmates and their children. This chapter discusses findings regarding the range of alternative programs.

Prison Nurseries

A survey of administrators at 44 state institutions for women and four federal institutions found divided opinion on the subjects of prison nurseries and whether children should live in the institutions (Association on Programs for Female Offenders, 1981). Asked to indicate their support for opposing statements: a) "Children should never be allowed to stay overnight in prison with their psychological mother," or b) "Children should be allowed to visit with their psychological mothers overnight whenever desirable," the responses were as follows: 25 percent strongly agreed with (a); 4 percent partially agreed with (a); 31 percent strongly agreed with (b); 15 percent partially agreed with (b); and 25 percent were undecided.

On another pair of opposing statements, a) "Prisons should not have nurseries," or b) "Prisons should have nurseries," the responses were as follows: 25 percent strongly agreed with (a); 6 percent partially agreed with (a); 31 percent strongly agreed with (b); 17 percent partially agreed with (b); and 21 percent were undecided.

Prison nurseries where infants may stay following birth exist in North Carolina, Ohio, Pennsylvania, and perhaps other states, but at these institutions the infants are usually housed in the prison infirmary until arrangements can be made for placement of the child with foster parents or other caregivers. Although placement of the infant may take several weeks or even months, housing at the institution is considered only a temporary situation.

The only prison nursery in the United States where infants may stay a longer period is at the Bedford Hills Correctional Facility for Women in New York. With almost 500 women inmates, the program includes a children's playroom, a parenting center, a furlough house in Brooklyn where an inmate mother may spend a week with her children, and the nursery.

The nursery has been a fixture at Bedford Hills for more than 60 years and currently houses 12 mothers and 12 children who remain there up to one year of age. Decisions regarding the length of time a child stays with his or her mother are up to the mother. "Some part with their children in a matter of weeks" while "most others keep the baby for as long as they can," according to a description of the program received from Bedford Hills. The nursery is brightly painted and the surroundings safe but "crowded." "It is a true test of a mother's desire to care for her baby that she is willing and able to live, sometimes three to a room, at times even four to a room, in order to keep her baby with her," the program description states.

Without a scientific evaluation and follow-up, it is difficult to determine what impact crowding and the trauma of separation have on the one-year-olds. The program description does say:

> At all times the child's best interest is paramount in the philosophy of the nursery program.... Through counseling and teaching we try to encourage a woman with a very long term to send her baby out early on to

those who will be primary caregivers during the child's formative years.

The Federal Correctional Institution at Alderson, West Virginia, is the only all-female federal institution in the United States. A contract with the state of West Virginia also provides for the incarceration of female offenders under the state's jurisdiction. During 1981, a nursing home for the elderly was used to house incarcerated pregnant women two months before the birth of their babies and two months after the birth for purposes of "bonding," provided the women had a relatively short time remaining on their sentences. The program was discontinued when the nursing home no longer had space available for the incarcerated mothers.

Foreign Programs

In West Germany, at Preungesheim Prison in Frankfurt, a Children's Home was built in 1975 at a cost of $800,000. Its capacity is 20 women and up to 25 of their children, ranging from infants up to six years of age (*Newsweek*, 1976; Greening, 1978). The program has two objectives: 1) to keep detrimental influences from the children and keep the children with their mothers, and 2) to aid in healing children both physically and mentally. The Children's Home is staffed by five correctional officers, four nurses, a cook who also teaches cooking to the inmate mothers, and two social workers. The house is physically separate from the rest of this maximum security institution. From 1975 to 1978, 91 women and 108 children were housed at the Children's Home. Of that group only one recidivist has been reported. Legislative efforts to expand this program throughout Germany have been described (Einsele and Maelicke, 1980; Federal Republic of Germany, 1978, 1982, and undated).

There are further examples of arrangements used by correctional institutions in other countries. In Japan, reportedly, incarcerated mothers may keep their children in the institution up to the age of one year (conversation with the author, M. Hess, 1983). In Bolivia nursing infants, and in Venezuela children up to three years of age are permitted to stay with their incarcerated mothers.

In Colombia, incarcerated pregnant women are required by law to leave prison in the seventh month of pregnancy and to return to complete their sentences when the infant is two months old. In reality, however, few women return and the law is not enforced. It

is for this reason that women reportedly are disallowed sexual activity on prison grounds. Such behavior leads to pregnancy, which is ultimately a "ticket" to free society (Goetting, 1984, p. 12).

U.S. Experiences

In the United States, some states—California, Florida, Illinois, Kansas, Massachusetts, Pennsylvania, and Virginia—have had nurseries and/or laws mandating nurseries for the children of incarcerated mothers, but programs are no longer in operation. Circumstances regarding their discontinuation are summarized below on a state-by-state basis.

California. Section 3401 of the California Code was passed in 1919 to allow an incarcerated mother to keep her child(ren) with her in the institution up to the age of two years. The statute allowed the Department of Corrections discretionary authority to make this decision, and policy review allowed a mother to keep her child with her while incarcerated at the California Institution for Women at Frontera. This policy was challenged in 1976 in *Cardell v. Enomoto* in California Superior Court, but discretionary authority remained with the department, with denials allowed only on "reasonable grounds" (Star, 1981).

The National Council on Crime and Delinquency proposed a model based on the Prison MATCH (Mothers And Their Children) program established in 1978 at the Federal Correctional Institution at Pleasanton, California (Rosenkrantz and Joshua, 1982). Instead of having an infant at the institution, it called for strengthening the mother-child bond through 1) improved conditions for visiting, 2) inmate training in parenting and early childhood education, 3) improved prenatal care, and 4) referrals for other social services.

Instead of adopting this proposal, the California Legislature passed Sections 3410-3424 of the California Penal Code, effective January 1, 1980. On the premise that "the prison was a poor place to keep infants," the statute established a community treatment program for incarcerated mothers and their children. The Community Prisoner Mother Program (CPMP) initially provided that a child remain with its mother up to the age of two years, but during the first year of implementation only six inmate mothers had been placed in community facilities with their children. The evaluation of this program concluded that eligibility requirements were too restrictive, accounting for low participation (Star, 1981).

The legislation had a sunset clause calling for its expiration in mid-1982, but a new statute was passed in July 1982 (Assembly Bill 415 amended Sections 3411-3424), changing the maximum age of the child to six years and including more specific criteria. This legislation, as of May 1983, was still in the process of implementation and community facilities were being selected.

Florida. From 1957 to 1975, babies were kept at the Florida Correctional Institution at Lowell (medium security) and at the Broward Correctional Institution (maximum security). Babies could remain there up to the age of 18 months. Around 1975 the policy changed. Infants of women prisoners who gave birth were placed directly from the community hospital and not brought to the prison. The statute was amended in 1979 and discretionary authority was given to the court to decide the "best interests of the child."

On March 22, 1979, inmate Terry Jean Moore gave birth to a child fathered by a correctional officer and petitioned the courts to force the institution to comply with the existing statute. That year the legislature passed a bill containing procedures for incarcerated mothers to request the court to decide whether they could keep their babies at the institution. Under that legislation as many as 10 children could be at the Florida Correctional Institution at Lowell at any one time. In 1981 the

legislation was repealed; no babies were allowed to remain at the institution.

Brodie (1982) presents the following issues raised in *Wainwright v. Moore* (374 So. 2d 586, Florida District Court of Appeals, 1979) in support of incarcerated mothers keeping their children with them:

1. In recognition of the importance of the mother-child bond, the mother should not be deprived of her right to maintain physical custody of her child.
2. The bonding process is important to the mother's identity and self-image as a woman.
3. The mother-child bond is critical to the infant's mental health and development.
4. The future relationship between the mother and the child depends on the development of a bond during the child's first 18 months. A breach in the bond may be irreparable.
5. Predictions of negative consequences to a child who remains at a correctional institution to the age of 12 to 18 months have not occurred in New York State, which "has had an ongoing program for the last 40 years" (p. 682).

An aide of a Florida legislator who sponsored the repeal of this legislation summarized the reasons for the 1981 repeal:

1. A prison is not a normal environment and is not a place for children. The "normalcy" requirement referred to the absence of contacts with males at the women's institution, and the lack of opportunities for everyday activities such as visits to grocery stores, etc.
2. The security and liability were too much to assume and the children could not be housed in a separate unit.
3. The women were looking for special privileges in caring for the children, and there were no programs or time for rehabilitation activities. References were made to mothers who prior to imprisonment had not cared for their children, or who were suspected of abuse resulting in the child's death.
4. The Department of Corrections could not function as a nursery or babysitting service.
5. There were concerns for the security of infants.
6. The privilege resulted in animosity between inmates. For example, mothers whose babies were born prior to incarceration could not keep the children in prison, while others who gave birth after incarceration could keep their babies.
7. There were concerns that the program catered to the best interests of the inmate mother rather than the best interests of the baby.
8. The Florida Attorney General held that if a baby were killed by an inmate, the state would be held liable and could be sued.
9. The Attorney General held that a separate facility was needed for security reasons. At first the hospital was closed and used as housing for the mother and her infant. Later, cottages outside the prison were used until the statute was repealed.
10. No research evaluations or valid statistics were available on the results and effectiveness of such programs.

Reflecting on the Florida program, William E. Booth, former superintendent at the Lowell Institution, stated:

> The general opinion of the other inmates at the institution has fluctuated considerably, and probably as you expect, some inmates feel that babies should be allowed to stay here, others do not, and some care very little one way or the other, or at least they have not verbalized their individual opinion. It is my opinion, however, that in general the overall population at this institution has accepted the nursery program well and has not caused a great deal of difficulty with the inmate mothers and their children.

Illinois. From 1927 to 1973, inmate mothers could keep their babies at the Dwight Correctional Center until age one unless there were "special reasons" for them to remain. This was replaced by a new statute in 1973 (Ch.38-1003-6-3) that allowed the Department of Correction discretionary authority to handle the birth of infants at a facility as "necessary or appropriate." Subsequently, infants were not returned to Dwight upon birth. Instead, prior to delivery inmate mothers made arrangements for the care of their babies and, in the majority of cases, placed the children with immediate family members.

"A few" of the "numerous" problems cited in disallowing mothers to keep their babies at the institution included: 1) inadequate housing, 2) problems of health care, 3) disciplinary actions and the segregation of inmate mothers, 4) pre-release placement of the mother, and 5) overcrowding of the institution.

Kansas. Kansas passed a statute (76-2506) in 1917 permitting the State Industrial Farm for Women at Lansing to house a child up to two years of age. According to some of the older inmates, when the population of the women's institution was smaller (about 40 inmates), "there were more children than inmates."

The legislature repealed the statute, effective July 1, 1974, citing the following reasons.

1. The statute was not used between 1962 to 1973, and as part of the modernization of the code, it was therefore repealed.
2. The state did not want to assume the risk to the child because the facilities were considered inadequate.
3. The expert opinion at the time was that it was bad for the child to be with the parent for two years and then face the trauma of separation.
4. The institution's population had increased and it had become overcrowded.
5. Sally Halford, former superintendent of the institution which has now become co-correctional, has commented that there are no facilities for children. Perhaps, if separate facilities were available, children could remain with their parents. Secondly, they would fear for the child's safety because there are not enough staff to watch the child. Third, it might be possible if inmate mothers were properly screened. Some inmates were poor mothers before their incarceration. Fourth, the program would be expensive, requiring funds for medical expenses, additional staff, and separate facilities. "Men could also be involved with their children, but this is usually not emphasized." Ms. Halford was "not enthusiastic" about the idea because incarcerated mothers have so many problems of their own when they arrive that they should not have the additional burden of raising children. "Having babies at the institution has benefits, but these would not outweigh the costs of the presence of drugs or alcohol, the dangers to the child, etc. For example, one inmate had ingested a drug and it took her three days to recover from its effects."

Massachusetts. Babies stayed with their mothers at the Massachusetts Correctional Institution at Framingham from 1858 to 1958. A female prisoner could have custody until the child reached the age of 18 months. There were some exceptions when children were allowed to remain until they were three years of age. During the time that mothers were allowed to keep their children, a volunteer nursing organization came throughout the day. Mothers were expected to work with all other inmates daily, and take care of their children from approximately 6 p.m. until the following morning.

Reasons cited for the repeal of this legislation included concerns about liability and "management problems."

Pennsylvania. In response to an inquiry, the health care administrator of the State Correctional Institution at Murray described an event that occurred 20 years ago.

> We have had only one experience with this situation. In this one case when the baby was 27 days old, she was transferred to her mother's cottage. It was stated that the mother was unable to make a home plan for this baby to her satisfaction and after several appeals to the superintendent was given special permission for this housing arrangement. The cottage she lived in had ample room and the inmate had two rooms: one for the baby and one for herself with a connecting bathroom.
>
> After the baby was one month old and infant food was ordered by the physician, it was necessary for someone from the nursing staff to do the shopping for jarred baby food, juice, cereal, and fruit. This was necessary as these foods could not be procured inhouse by requisition. It was a constant inconvenience to the nursing staff. Special arrangements also had to be made with the laundry to have the baby's clothes laundered first thing in the morning before one washer was used for institutional laundry. The mother did not always have the dirty clothes ready, and this proved to be a handicap at the laundry. The mother very soon became bored with caring for the baby and manipulated other inmates to care for her. When the mother was assigned house work to do she used the baby's care as a reason to be excused from a detail. She used the baby's presence to evoke sympathy and favors from staff as well as inmates. At the end of eight months there was much unrest in the cottage, and the baby was taken by the mother to a community living arrangement when she went on furlough (letter to the author, Harvey Bell, March 28, 1983).

Virginia. In 1918, a Virginia statute allowed incarcerated mothers to keep their children up to the age of four. This was amended in 1930 to allow what is essentially the current statute authorizing the director of the Department of Corrections to decide whether a child should remain with its mother at the institution according to the best interests of the child (Brodie, 1982).

Brodie was not able to obtain information on this program prior to 1943. From 1943 to the early 1960s, women were permitted to keep their children until age two. Mothers could visit with their babies only on Sunday afternoons. As many as 21 babies were at the institution for women that was part of the men's penitentiary at Richmond until 1932, when the Virginia Correctional Center for Women was built in Goochland.

Most babies left the institution between the ages of 9 and 18 months. Their length of stay decreased to three months around 1964, and to 30 days in 1968. In 1976, the current superintendent arrived and discontinued the policy, contending:

1. It was not in the best interests of either the infant or the mother.
2. It would be easier for both mother and child "if the separation was made before they become attached to each other."
3. The facilities were inadequate.
4. It caused bitterness among other women inmates whose incarceration had forced them to leave their children behind.
5. The prison was not a "proper environment for a child in its formative years."

Brodie points out that "the policy of not allowing the babies to return to the institution with their mothers has never been reduced to writing." No case has ever been litigated in Virginia challenging the director's authority to

decide what is in the best interests of the child. According to Brodie,

> Virginia is at a crossroads. Its statute is not an accurate reflection of actual practice; in fact, the statutes and reality are diametrically opposed. There are clearly two options if the state wishes to correct the current situation: 1) the General Assembly can either repeal or revise the current statute; or 2) the Department of Corrections can formulate a policy that is in compliance with the statute. . . . The policy should provide for an individualized hearing by the Director [who] would be able to make a case-by-case determination based on the facts of each case.

Buckles and LaFazia (1973) have commented that an inmate mother who is

> worried over or defending her role and rights as a mother has little time or energy left to participate in the counseling or rehabilitative resources available to her. Alleged or real injustices or hurts regarding their children are extremely effective red herrings that women can use to avoid personal issues.

However, focusing on the children involved, Hoffman (1977) expressed another view. "It is time we began to take steps to correct our mistakes: to fund experimental prison nurseries and carefully evaluate the emotional health of the children reared in them." Few correctional administrators appear willing to follow that suggestion, although everyone agrees on the need for more research and evaluation.

Children's and Day Care Centers

Many institutions have an area set aside for the children to play adjacent to the visiting area while the inmate mother and visiting adults visit.

The mother may use the area to play and interact with her child. The children's center may be equipped with donated toys or be a "Sesame Street" project—i.e., supported by the "Sesame Street" television program through toys and borrowed characters.

At the Federal Correctional Institution at Pleasanton, California, the Prison MATCH program was established in 1978 and provides an integrated program with four components:

- A children's center at which inmates (both mothers and fathers—the institution is co-correctional) and their children can spend days together on weekends. The center is staffed by

child development specialists and trained inmates. Its purpose is to strengthen relationships between the parents and their children.

- Support services provided to assist inmates with custody cases, crisis intervention and foster care.
- A Human Services Training Program offered by a nearby community college. The program teaches paraprofessional skills to enable inmates to work with children and their families. This follows a self-help and peer-help model of supportive services.
- The Reading is Fundamental program, which allows children to choose books and take them home.

At Purdy Treatment Center for Women at Gig Harbor, Washington, a day care center is available to children from the surrounding community but not to inmates' children. Part of the community college training program, it provides inmates with an opportunity to work and receive training as day care aides. To be employed by the program, inmates must have completed a three-month child development course.

At Bedford Hills Correctional Facility in New York, the Children's Center has four components: the children's playroom, a parenting center, a nursery, and Providence House in Brooklyn. The program is funded by the state of New York and Catholic Charities, and has an $85,000 annual budget. The children's playroom is staffed by one teacher and eight inmate caregivers. They have about 250 child visits and serve 125 to 175 inmates each month. It is open seven days a week and inmates may attend classes and work toward three levels of certification.

Parenting Classes

About 97 percent of the 57 institutions surveyed for this report had classes on parenting and related subjects or were planning such courses. However, this figure may be exaggerated and include subjects not specifically designed for incarcerated mothers.

In most states, inmates have an opportunity to enroll in such classes as child development, parenting skills, prenatal care, first aid, nutrition, child rearing, job opportunities, child abuse and neglect, family relations, and communications.

Commenting (July 30, 1984) on the development of "family interaction skills" among inmates, Superintendent Marta Villacorta at the Broward Correctional Institution in Florida wrote:

> We perceive the inmate's life history as a series of moves through various groups—the primary family, school groups, work groups, neighborhood and friendship groups, the present family group and prison life. The impact of these group experiences on her and her use of these experiences may have led her to prison. Indeed, some offense-related behavior derives primarily from dysfunctional family relationships. Our primary goal is for the inmate to develop the ability to establish and maintain couple and family relationships, to value themselves as worthwhile individuals, and become responsible to themselves, their family and their loved ones and their community. Our program is designed to help the inmate resolve those problem areas which may hinder the inmate in her ability to fulfill these basic needs.

Slagle (1981) conducted a study of child-rearing attitudes of 30 incarcerated mothers and concluded:

> Parenting programs in and of themselves are not sufficient to promote feelings of parental worth and positive attitudes toward children. . . . Parenting programs may serve

to educate mothers about reciprocal interactions but other programs must also be available to promote positive growth experiences, such as educational advancement, vocational training, and support groups.

In 1976, Sack *et al.* interviewed a small sample of incarcerated parents in Oregon and recommended a strategy of intervention that included family counseling and the inclusion of the family in any rehabilitation program for the prisoner. The rationale for such programs can probably best be briefly summarized by the following policy statement from the Second Chance program in Minnesota:

> Through these various components we are attempting to assist these women in preserving and restructuring the family unit during the incarceration while at the same time increasing their skills in parenting and helping them to plan for a smooth transition back to their parental caretaker role.

Furloughs

Of the 57 institutions contacted for this study, 80 percent provided furloughs for inmates to spend time with their families and children, in addition to emergency furloughs. "Mother release" or furlough programs for mothers to be with their children have been recommended by a number of writers (McCarthy, 1979; McGowan and Blumenthal, 1978; Palmer, 1972; Sametz, 1980; Stanton, 1980).

At the Bedford Hills Correctional Center in New York, inmate mothers are able to spend a furlough week with their children at Providence House in Brooklyn. McCarthy (1979, 1980) described the furlough programs in New York and Connecticut, concluding furlough programs ease the time remaining on the inmate's sentence. While the furloughs may preserve

mother-child ties, they may not prepare the inmate mother for assumption of parental responsibilities. It was found that the home visit may not be devoted to parenting but to visiting with friends and relatives and sharing activities with their children (McCarthy, 1980).

In Georgia, a pregnant inmate may be granted a "parole reprieve" of six to eight weeks in order to give birth and arrange the placement of her infant.

In Michigan, women are transferred from the Huron Valley Women's Facility to corrections centers in different cities from which they may receive furloughs up to 48 hours to be with their children and families. Although at one time residents at the centers had to have a job to go to the centers, this is no longer mandatory because of the poor job market in Michigan.

In Florida, emergency and non-emergency furloughs may be granted for varying lengths of time, but usually up to a maximum of 48 hours. Furloughs are available to married and unmarried inmates and may be taken from the institutions as well as from community/work release facilities.

Liberal furlough programs enabling mothers to spend time with their children and families were noted in Maryland, where a person may leave for a weekend every two weeks under certain conditions; in Missouri, which grants up to 30 days per year for a maximum of five days per furlough plus travel time; and in New York, which allows up to 28 days per year for a maximum of seven days per furlough.

At the Purdy Treatment Center in Washington, a trailer used for family visits is also used as a "Day Away" for eligible inmates who want 12 hours alone.

The Iowa Legislature introduced a "Work Release Law" (Chapter 220, Section 2) in 1967 (communication to the author, R. Nowadzky, June 1, 1983). Along with the usual provisions for work release and educational release, the statute authorized the following: "In the case of female inmates the program may include housekeeping in her domicile."

This section (Chapter 247A.2, Iowa Code of 1971) was amended in 1974 by Chapter 1093, "an Act relating to statutory provisions affecting the legal treatment of male and female persons. . . ." The amendment broadened the statute to apply to both sexes, as follows: "In the case of inmates who have children in their homes under the age of 18 years, the program may include child care and housekeeping in their homes (247A.2)."

Iowa has a liberal furlough policy at the women's institution at Mitchellville. In addition to emergency furloughs, residents are eligible for community visit furloughs, community service furloughs, and community placement furloughs. The eligibility requirements include a minimum-custody status for 45 days; no recent escapes or revocations from parole, probation or work release status; no recent disciplinary reports; satisfactory "ratings" from the staff; and at least $20 in an institutional account.

Community visit furloughs are available throughout Iowa so residents can maintain family relationships. Furloughs may be for eight hours every other week, 48 hours every month, and 72 hours every two months. Eligible women could theoretically be released a maximum of 1,216 hours per year. This means that 14 percent of a year could be spent with their families, compared to 8 percent of a year's sentence in Missouri or New York.

During March and April 1983, 17 different residents at Mitchellville went out on community visit furloughs for one to three days (about 16 percent of the average daily population of 106 residents), and some of these persons may have had more than one furlough. In Ohio, on the other hand, an inmate is eligible for a furlough three to four times a year only if she has been on "honor status" for two years.

Family and Conjugal Visits

The term *family visits* is sometimes preferred to *conjugal visits,* but programs are similar in nature and intend to preserve and maintain the marital bond and the family unit.

As summarized in Table 1 and Part 5(A), five states currently permit conjugal visits in women's institutions. These states are: California, Mississippi, New York, South Carolina, and Washington. Goetting (1982a), in a 1980-1982 survey, also identified Minnesota and Connecticut as allowing "private visits" but these refer only to men's institutions. The District of Columbia has also been reported to permit conjugal visits. In addition, New Mexico recently passed a statute permitting conjugal visits in maximum security institutions, but funds have not yet been appropriated (conversation with the author, M. Johnson, 1983).

Showalter and Jones (1980) have described marital workshops at the Kansas State Penitentiary at Lansing in which inmates within six months of their release are able to explore their marital relationship for an entire weekend.

The following nations also authorize conjugal visits, according to one survey (Goetting, 1982b): Australia, Denmark, Finland, the Federal Republic of Germany, Iceland, India, Iran, the Netherlands, Norway, Philippine Islands, the Soviet Union, Spain, Sweden, Switzerland, and Yugoslavia.

Latin America

In Latin America, 14 countries allow conjugal visits: Bolivia, Brazil, Colombia, Costa Rica, Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Venezuela (Goetting, 1982a).

In Mexico, particularly at Las Islas Marias, "the *reclusorios* are in stark contrast with the fortress-like prisons in the United States" (Burke, 1981; American Correctional Association, 1981). The reclusorio is "visually attractive, quiet, tranquil, and like a college campus" with small one- or two-story buildings. Family visits are an integral part of prison life, with one-third of the compound designed for family activities. Conjugal visits are permitted in a motel-like building.

While U.S. prisons emphasize the equality of all inmates, Mexican prisons do not attempt to remove individual and class differences. Inmates may keep almost anything in their rooms; dormitories have cooking facilities for preparing food from home; inmates wear their own clothing; and small shops sell "everything." Labor is not compulsory and prisoners can pursue their own profit-making endeavors or do nothing. A few cottages can be rented by wealthy inmates. One inmate "even has his secretary come in every day" (Burke, 1981).

Guatemala has been referred to as having the "most extreme form of familism" in men's prisons of all the American nations, but its women's prison, Santa Teresa, prohibits conjugal visiting (Goetting, 1984). At the Granja Modelo Rehabilitacione Pavon, the largest prison for men with more than 2,000 inmates, there is a freedom of movement that is not found in most U.S. prisons. Walkways are lined with restaurants and craft shops operated by inmates and their families. The crafts include "jewelry of seeds, bone, stones, silver and nuts, macrame, pottery, weaving, crocheting, leatherwork, and woodwork." Other products made are "neckties, earrings, planthangers, pocketbooks, belts, hammocks, soccer balls, baskets, and furniture."

Goetting writes:

> This emphasis on familism which permeates both policy and atmosphere at Pavon reflects the assumption that both familial continuity and privacy are part of the inherent rights of every human being. The pervasive attitude regarding visitation is not one of privilege or of liberalism. Family

visitation is not something which the establishment uses to stimulate incentive for "good behavior" or yields to under pressures of "human rights." Instead it is viewed as a manifestation of life's natural order not to be interfered with because of incarceration (1984).

The earliest programs for conjugal visiting in the United States were established in the late 19th and early 20th centuries in South Carolina and Mississippi. Originally available only to males, they have been extended to female inmates in recent years. At the Mississippi State Penitentiary at Parchman, eligibility for participation is restricted to legally married spouses. There are no restrictions based on the nature of the crime for which the inmate is imprisoned, nor for disciplinary reasons. Private visits at the institutions have been authorized in houses, efficiency apartments, tents, trailers, mobile homes, and cars. Various eligibility requirements and policies are detailed by Goetting (1982a). The visitors are typically legal spouses, children, parents and grandparents, siblings, and legal guardians.

A pilot program using trailers for conjugal visits at the Purdy Treatment Center for Women in Washington was adopted and extended to the men's institutions. . . an interesting example of the women's movement having a liberating impact on men.

The Debate

In summarizing the arguments in the debate about conjugal association, Goetting (1982a; 1982c) identifies the opposing factions as the conservatives, the correctional establishment, and right-wing politicians. She identifies the advocates of conjugal visiting programs as liberal social scientists, journalists, and ex-inmates. The arguments of both factions, she says, are the "same as 35 years ago" and cover moral, practical, and legal issues. They run as follows.

Opposed to conjugal visits. From a moral standpoint opponents cite: 1) a blatant inequity favoring married inmates; or 2) a transformation of prisons into "whorehouses" corrupting staff and degrading inmates' wives. From a practical perspective, opponents contend: 1) there is public opposition (although opinion surveys report 50 percent of the public support conjugal association in correctional institutions); 2) custody and security problems may occur; 3) programs may cost too much; and 4) the wives will become pregnant and produce children who will have to be supported by public assistance. From the legal perspective, opponents argue: 1) there may be liability risks to prisons; and 2) people signing waivers may not understand their significance, so they may be unenforceable.

In favor of conjugal visits. From a moral perspective, supporters 1) appeal to humanism; 2) emphasize the sexual and emotional frustrations of the inmate and his/her "innocent" spouse; and 3) cite the emotional support provided by human intimacy and its enhancement of an inmate's self-esteem.

From a practical perspective, advocates argue that conjugal visits: 1) reduce tension and hostility among inmates; 2) provide an incentive for conformity and enhance the institutional objective of "control"; 3) promote a normal lifestyle in preparation for transition and reintegration into a free society; 4) increase the likelihood of post-release success; 5) foster marital stability; and 6) reduce homosexuality and rapes. Regarding this last issue, Goetting comments, "Much evidence suggests that prison homosexuality is instead an expression of the urge for mastery by people who have been placed in a position of powerlessness, a condition not solely related to sexual deprivation."

From a legal perspective, supporters contend the denial of conjugal visits may be unconstitutional based on the first, eighth, and fourteenth amendments.

Goetting (1984) recognizes the possibility for marital and inmate stress developing as a result of family visitation and conjugal association programs, and recommends that policymakers address the potential problem through a combination of stress reduction and counseling in stress management. She concludes (1982a):

> Family visitation programs in the U.S. undoubtedly provide a more humane institutional environment for inmates but such practices cannot at this time be based without question on other alleged advantages. There is no solid research support for contentions that such programs reduce homosexuality, enhance social control, normalize prison life-style, increase post-release success, or stabilize marriages. At the same time, there is clear evidence of security and operational problems. Research exploring the outcomes of private family visiting is badly needed to aid administrators in decisions about the implementation of new programs and improvement of those already in operation.

Community Facilities

Five states—California, Massachusetts, New York, North Carolina, and Washington—were found to have community facilities for mothers and their children at various stages in the mothers' incarceration.

As mentioned earlier, California has some experience with community facilities for mothers and their children. In the initial legislation, eligible inmates were those who: 1) will probably be released within two years (later changed to six years); 2) have no prior prison term; 3) have been the infant's primary caretaker prior to incarceration; 4) have a child young enough so that by the end of the mother's sentence the child is not older than two (later changed to six) years; 5) have not been found unfit by the court; and 6) have not had more than 30 days elapse between incarceration and application date.

In addition, the Department of Corrections established rules regarding exclusion from the program. They are based on the inmate mother's institutional behavior. The mother would not be eligible if she was: 1) guilty of the use or possession of narcotics; 2) violent or assaultive toward the staff or other inmates; 3) in need of lockup; or 4) unwilling to become constructively involved in treatment programs while in the institution.

The revised statute requires only that the inmate mother 1) has less than six years left in her sentence; 2) was the primary caretaker of the infant prior to incarceration; 3) was not found unfit by the court; and 4) has made an application within 30 days of her incarceration. Placement of the program under the Parole and Community Services division has, however, resulted in one of the criticisms of the current statute: that the inmate mother in a community facility with her child is still technically in prison. Although special 72-hour leave is granted, the mother is restricted in her movements at the facility. She is thus prohibited from assuming full parental responsibilities.

In Massachusetts, incarcerated mothers nearing release are transferred to the pre-release center at Lancaster (near Boston) where a recently established program permits eligible mothers to have overnight and weekend visits with their children in house trailers. This program "provides a more natural setting for visits thus lessening the stress caused to children and their parents by incarceration, and serv[ing] to better prepare mothers to resume day-to-day responsibility for taking care of their children" (Jamison, 1984).

Visitation Policies

Visitation policies and conditions vary considerably at each prison (Baunach, 1982). In one

study (Neto and Bainer, 1982) 78 percent of 40 state prisons surveyed had traditional visitation policies of fixed hours, searches, and contact visits, and 60 percent provided play areas for children. Only one prison did not permit contact.

Twenty-one of 57 institutions surveyed here either provided for or planned to allow children of incarcerated mothers to have overnight stays at the institutions (see Table 1).

The Purdy Treatment Center for Women in Washington has in the past allowed children to live in apartments on the institution's property with mothers eligible for work release. This program was recently discontinued, reportedly because of overcrowding problems, an effort to reduce escapes, and changes in public attitudes and the "political climate."

The Second Chance program in Minnesota includes weekends for children to stay with their mothers and an annual "Children's Week" as one of its eight components. Others are: parent education, support groups, individual counseling, foster parent placement service, advocacy, prenatal services, and family counseling. While at the institution, children live in cottages and are supervised by their mothers.

The M.O.L.D. (Mother Offspring Life Development) program at the Nebraska Center for Women at York allows children to stay in

their mothers' rooms for five days on a monthly basis. Overnight visits are limited to girls up to the age of 12, and boys up to the age of nine. The children must be at least six months old and a mother is limited to two children. During the visit an inmate mother is relieved of work assignments but responsible for the activities and care of the children. Overnight visits are denied if an inmate is being disciplined by a restriction to her room.

The P.A.C.T. (Parent and Child Together) program at the Women's Correctional Facility at Yankton, South Dakota, arranges for an inmate mother and her children to spend a week every month at the institution. The mothers have no other responsibilities during this time except to be with their children. The girls can be up to 13 years of age and the boys up to 12 years of age. Because the correctional facility is on the grounds of the state hospital, mothers and their children have access to a recreation building, swimming pool, bowling alley, and gymnasium. This program is modeled on but less structured than the M.O.L.D. program in Nebraska. Although there has been little research on its impact on the mothers and their children, the children are reported to have a positive effect on the other residents. The superintendent at Yankton, Lynne Delano, mentioned, "When you see the mother and child greet each other as they arrive, it makes the whole thing worthwhile" (Jamison, 1984).

Since 1978, women incarcerated at the Correctional Institution in Clinton, New Jersey, have been able to spend weekends with their children at a nearby Salvation Army camp. The "Mother/Child Retreats" are funded through Title XX, Salvation Army, United Way, and a local foundation. The retreat is "a behavior modification program aimed at opening parent-child communication and at changing behavior" (Beavers-Luteran, 1983). The mothers, children, and staff are all involved in planning activities, including arts, crafts, discussion groups, and recreation.

Support Services

The need for greater integration of supportive and social services that various governmental agencies might provide to inmates and their children and families has been stressed by a number of authors (Chaiklin, 1972; Henriques, 1982; McGowan and Blumenthal, 1978).

One solution to providing supportive service has been use of volunteers. A special pilot project using volunteers, "Women in Crisis," in Hartford, Connecticut, is described by Fishman and Alissi (1979). The project uses volunteers in an advocacy role for the inmates and their families. Their primary goal is to strengthen the relationship between inmates and their families. They assist a family in their initial visit to a loved one in prison, and provide the family with support during the initial six- to eight-week adjustment period of the inmate's incarceration.

Legal services are often required by inmates with custody problems as well as appeals, etc., related to their current offense and conviction. Discussion groups are another needed support for inmates in addition to individual counseling. Parents Anonymous, a self-help group to address child abuse problems, has been active at the Huron Valley Women's Facility in Ypsilanti, Michigan. Substance abuse problems are also frequently treated in discussion/therapy groups.

Transportation is another needed support service. Inmates whose children are temporarily placed in foster homes are often concerned about maintaining contact with the foster parents (Buckles and LaFazia, 1973). If the children are in a foster home near the institution, maintaining communication and scheduling regular visits are obviously easier than if the child is at a great distance from the institution. In the latter case, transportation problems have sometimes been overcome with help from volunteer organizations

such as Prison Fellowship and Parents Anonymous.

In Iowa the Residents and Family Together (R.A.F.T.), Inc., program has obtained private and federal funds to reimburse drivers who transport children to the Correctional Institution for Women. While the purpose was to increase the number of visits by children, it has not done so. Funds formerly used by caretakers for transportation may perhaps be diverted to the children's other needs.

Special social service personnel may be used. For example, foster parents may be reluctant to spend time and money to bring the children to visit their inmate parents or opposed to maintaining such contacts. In these cases, the institution may employ a coordinator (as at Bedford Hills Correctional Facility in New York and at Hardwick, Georgia) to function as a liaison between the parent and the foster family or child welfare agency.

Penal Colonies

Probably no topic in this monograph is as controversial as prison colonies. The term alone awakens thoughts of Devil's Island or Franz Kafka. However, several writers have described positive and benign aspects of prison colonies. They are included here because of opportunities offered for parents and children to remain together.

Prison colonies have been established in Brazil, Peru, India, Jordan, Mexico, the Philippines, and the Soviet Union (Cavan and Zemans, 1958; Goetting, 1982b, 1984). In the Philippines, 3,600 minimum security prisoners and their families may serve the remainder of their sentences in the Davao penal colony after completing one-fifth of their sentences. They are provided with plots of land, tools for farming, subsistence funds, clothing, and schooling for their children either within the colony or on the island.

In their conclusion, Cavan and Zemans (1958) refer to earlier recommendations regarding experimentation with home leave. They add "the tentative suggestion that some open prisons [in the United States] might like to experiment with the practice of permitting families of prisoners to live on the grounds." Twenty-six years later, there are still no "open prisons" (to my knowledge) in the United States.

A recent Canadian publication refers to these as "limited access correctional communities" or LACCS (Zambrowsky, 1984). In this article, the author does not take a positive or negative position but raises questions that need to be addressed. Which offenders would be eligible? Would families be willing to join offenders in such colonies? Would this be an unfair choice imposed upon the families of inmates? Is the government prepared to support such communities?

In *The Open Prison: Saving Their Lives and Our Money,* Chaneles (1973) advocates a broad range of reforms for corrections in the United States, including the establishment of "transitional communities," another euphemism for penal colonies. He cites several possibilities:

1. Prisons could be converted into factories, schools, hospitals, and meeting places and could be merged with the surrounding communities;
2. Transitional communities could be in or near large cities as expansions of factories or attached to colleges;
3. Such communities could be created in the deserts or established in the abandoned coal-mining towns of Appalachia.

A Variety of Advantages

In "The Penal Colony: Relic or Reform?" (1983a), Murton argues convincingly for the benefits, including the low cost, of establishing domestic penal colonies in geographically dispersed areas based on the Civilian Conservation Corps model used in the United States

during the Depression and penal colonies in Mexico, India and the Philippines. An innovative element is that civilian workers and their dependents could voluntarily commit themselves to these colonies.

He cites the following advantages (1983a and 1983b). Colonies would provide for the banishment of prisoners. Inmates could build their own facilities and would, through self-government, have a vested interest in making them livable. The colonies would be inexpensive to build and self-supporting; inmates could work on public works projects, which would in turn eliminate idleness. The costs of incarceration would be transferred from the victim to the offender. Inmates would be financially compensated and would therefore be able to make restitution payments and pay taxes. They would learn a trade and their family unit could be preserved. Another benefit, Murton says, is that inmates would learn responsibility by accepting responsibility for their crimes, their dependents, their incarceration and their obligation to society. Lastly, there would be less institutional violence, fewer incidents, escapes, and assaults, and an inmate's transition on release would be easier.

"You don't put a duck in a sandbox to teach him how to swim," says Murton (1983b) in arguing for a corrective environment that prepares inmates for the world to which they will return. "The evil of the penal colony was not inherent in the philosophy; it was a function of the manner in which the concept was implemented" (1983a). The United States, he contends, does not have any prisons resembling "what we return inmates to."

The programs described in this section are summarized in Table 1. Section A of Part 5, "Resources," contains a table providing a state-by-state breakdown of programs for incarcerated mothers and children.

Table 1
Summary of Programs for Incarcerated Mothers and Their Children in 50 States (Representing 57 Institutions and 15,337 Incarcerated Women)

Programs	Yes	Planned	Percent of All Institutions
Classes for Inmates	53	2	96.5
Furloughs	45	1	80.7
Children's Centers	19	4	40.4
Overnight Visits with Children	17	4	36.9
Conjugal Visits	5	1	10.6
Community Facilities for Mothers and Their Children	5	0	8.8
Prison Nurseries	1	0	1.8

3. Legal Issues

The literature on legal issues surrounding incarcerated mothers and pregnant inmates stresses the deprivation of prisoners' rights and offers strategies for correcting unconstitutional conditions (Brodie, 1982; Holt, 1981-82; McHugh, 1980). It is most often weighted heavily on the side of the prisoner and relies on rhetoric rather than empirical findings. Similarly, standards promulgated by various professional groups have not generally been supported by research. Holt (1981-82) concludes additional standards are not the answer and litigation by inmates is the best way to achieve reforms. "The desire to achieve penological goals must be balanced against the need to preserve ordinary human rights."

Legal actions can be brought by prisoners or through class action suits based upon the Eighth Amendment (cruel and unusual punishment), Fourteenth Amendment (due process and equal protection), tort claims if the state fails to provide adequate care and protection, and custody cases based on the *best interest of the child* yardstick (Holt, 1981-82).

An Iowa Supreme Court decision in 1973 (*Bowen v. Bowen*) replaced the *tender years doctrine* (or *maternal presumption*) by the *best interests of the child* in this custody case. Although the bonding issue was not crucial to this case, the decision coincides with a trend in the '70s away from the earlier emphasis placed on mother-child bonding.

Reviews of state statutes regarding pregnant inmates and incarcerated mothers are frequently out-of-date and inaccurate due to changing political climates. (An important exception is a 1982 paper by Brodie.) Despite statutes on the books, New York is the only state that currently allows infants to remain with their incarcerated mothers after birth. Even this statute has been criticized as inadequate because it imposes a time limit on the care of the child (up to one year at the institution), and places too much decision-making authority in the hands of the officer in charge (Haley, 1977). A model statute proposed by the National Conference of Commissioners on Uniform State Laws appears in Part 5, "Resources."

An Iowa custody case found the state statute terminating parental rights due to incarceration of a parent to be "unconstitutionally vague." The statute did not specifically mention incarcerated parents but provided for termination for the following reasons:

> That the parents are unfit by reasons of debauchery, intoxication, habitual use of narcotic drugs, repeated lewd and lascivious behavior, or other conduct found by the court likely to be detrimental to the physical or mental health or morals of the child (Code of Iowa, 232.41(2)(a), 1975).

In *Alsager v. District Court of Polk County, Iowa* (406F. Supp.10,S.D. Iowa, 1975) "the court considered the state's interest in protecting children yet found in favor of a parent's interest in raising children in an environment free from governmental interference" (Haley, 1977, p. 150). It is not clear whether this ruling can be resolved to accommodate a mother's desire to raise her child within a governmental institution.

Reflecting adherence to the concept of *maternal presumption,* Haley stresses the importance of the first three years of a child's development. "During the tender years the mother is the focal point of the child's existence. When the mother is imprisoned, she is unable to play the pivotal role in her child's maturation that would otherwise be hers."

The literature on the legal issues contains recommended reforms, which include prison nurseries (*Yale Law Journal,* 1978), "mother-release" programs similar to work release (Palmer, 1972), community residences for women offenders and their children since the "prison is no place to carry or give birth to a baby" (McHugh, 1980, p. 259), and suggestions for legislative reform (Palmer, 1972).

Best Interests of the Child

Brodie (1982) has addressed constitutional issues and reviewed state statutes on custody determination. She writes, "By implication, considerations of the availability of facilities within prisons, the extra planning required, and the effect of the arrangement on the rest of the prison population should be secondary to the needs of the child." She presents the following criteria used by courts in custody cases for determining the best interests of a child.

1. It is to the child's benefit to remain with its natural parent.
2. The child's needs are best served by continuity of care from a specific individual. This has implications for the incarcerated mother's plans to resume care of her child upon release.
3. The caregiver must be physically and emotionally capable of raising her child. This could be determined by an examination of the incarcerated mother by medical doctors and psychologists.
4. The moral character of the mother should be considered, but incarceration should not be assumed as evidence of unfitness.
5. The department would be expected to provide the "nominal expenditures" necessary for the material needs of the child.
6. A consideration of the child's age, or the *tender years doctrine,* was first enunciated in Virginia in *Mullen v. Mullen* (1948). It illustrates the principle that as long as the mother is fit, there is a rebuttable inference that a child's place is with the mother, particularly in those cases where the child is of tender years. The Superior Court of Virginia does not apply this to the rights of parents, but to the right of the child. "The presumption is, in fact, an inference society has drawn that such right is best served when a child of tender years is awarded the custodial care of its mother," according to *McCreery v. McCreery.*

Brodie adds, "Just as the child's best interest must be considered in custody disputes between

natural parents, it is clear that the reasoning of the tender years doctrine is equally applicable where the mother is incarcerated." She concludes:

> The question of whether a woman who gives birth while incarcerated should be allowed to keep her child with her is in a state of flux. In the final analysis, the solution must balance the needs of the prison officials, the state, and the incarcerated woman with paramount attention given to the needs of the individual child. While opponents point to the dangers of prison life, it is essential to recognize that their catastrophic predictions have not materialized in those states which have experimented with the idea. For instance, no child has been held hostage. Children face comparable dangers in the free world. All of their dangers are speculative and one does the best one can to protect children from them. The potential physical risk does not outweigh the recognized emotional benefits the child receives from being with its mother. The best way to ensure in the balancing process that the child's best interests are the pivotal factor, is to decide on a case-by-case basis, as called for in *Wainwright v. Moore,* whether an individual child should be cared for by its inmate mother (374 So. 2nd 586, Florida District Court of Appeals, 1979).

Sametz (1980) contrasted the best interests standard with the least detrimental interest standard, saying the issue is a matter of the child's physical well-being or overall welfare versus the child's instinctive and emotional needs. "In using the least detrimental interests standard, the court recognizes its limited ability to predict the child's future relationship with an adult who is not the child's biological parent." The child is seen as a victim of circumstance, which promotes a speedy custody decision. "By avoiding the use of the best interests standard, the court does not weigh the child's rights against the adult's rights, but views the rights of all parties on an equal basis" (Sametz, 1980).

Liability

The state of Wisconsin has given more attention to the legal issue of liability than other states contacted. The concerns of the legal counsel of the Wisconsin Department of Health and Social Services in giving tentative approval for day-long visits of children with their mothers at the Taycheedah Correctional Institution were summarized in correspondence from Kristine Krenke, Taycheedah's Treatment Director (March 18, 1983).

1. The department does not feel that a state institution needs to be licensed as a child care giving institution such as day care centers in order to provide for extended visitation.
2. Regarding medical care, guardians should sign consent forms in advance to ensure emergency medical treatment. In life-threatening situations, the institution is responsible for providing an ambulance and first aid. The institution has considerable flexibility as to whether to provide medical treatment on the institution's grounds.
3. Transportation to and from the institution depends on its availability and who is to provide it. If provided by the state, the state is liable only if found negligent.
4. The institution's liability to the child or to the child's property while at the institution is the same as to any other visitor. The institution is responsible for using "ordinary care" to protect children from harm caused by an inmate, another child, or a staff member.
5. The institution must use ordinary care to prevent injury to the child by its mother. It must use care in screening for eligibility to participate in the program. This includes determining whether there is evidence of past sexual abuse or injury by the mother or another person.

4. Administration

Child Development

In deciding whether to establish a program for incarcerated inmates and their children and what kind of program is both feasible and desirable, correctional administrators need to consider some of the concerns raised by child development specialists. The discussion here is based on conversations and correspondence with Dr. Alfred Healy of the University of Iowa Hospital School and Dr. Velma LaPoint of the National Institute of Mental Health and Howard University. Their remarks form a context for assessing strengths and weaknesses of program options presented earlier.

Physical Facilities. Physical facilities in which children of incarcerated parents might be housed are of primary importance. If the facility is a traditional prison with cellblocks and tiers of barred cells, experts would generally oppose placing children in such an environment. If, on the other hand, the facility resembles a college dormitory—as do some minimum or medium security institutions—the environment would probably be acceptable for children. If, in addition, the institution is clean, free of contagious diseases, and provides proper food, there would be no barrier to inmate mothers having their children with them.

Length of Residence. Professionals suggest that the length of stay might be from birth (in a properly equipped and staffed nursery) up to 18 months of age. Although there is no definite upper age limit, the frequently mentioned limit of two years old is considered by many to be too long for a child to live at an institution. The child that age or older might be stigmatized. Officials must continually weigh what is most harmful and when intervention *is* appropriate. Questions regarding length of stay also depend on the length of the mother's sentence and institutional facilities. The availability of a day care center that could be operated near the institution in conjunction with the surrounding community has widespread support. So too does the belief that incarcerated mothers and infants should spend time together, even if the infant is in foster care placement.

Individual Considerations. Specific circumstances of each family's situation must be addressed. What, for instance, is the alternative to a particular inmate's child staying at the institution? Is it possible for the child to live with grandparents in a loving and nurturing setting or would he or she be bounced around from one foster home to another? What would be the effect of 72-hour, weekend, or monthly visits on the mother-child bond? Is the mother now the principal provider? Who should make decisions about placement? Foster care review boards have been proposed to study and make recommendations to the court on children already in public care. Such review boards could include individuals concerned about the children of incarcerated persons.

Special Arrangements. If infants are housed in the institution, arrangements should be made for incarcerated mothers to take responsibility for caring for their infants; for the provision of special medical equipment if needed; for the availability of 24-hour care seven days a week to the infant; for the establishment of a playroom or play area; and for monitoring the effects of the mother-child program on other female inmates. Institutions must also make some attempt to establish basic parenting norms—i.e., there should be a common understanding of the distinctions between discipline and abuse.

Prison Goals. There is continuing controversy over the purposes of imprisonment and the correctional system. Should its purpose be rehabilitation? Punishment? Incapacitation? Should the family become the center of the debate over correctional issues and philosophies? Should children be used to change traditional notions of prison?

We demonstrate our ambivalence when, on the one hand, we show adolescents through "Scared Straight" programs that prisons are ugly and dangerous but, at the same time, are willing to place innocent babies in an institution, implying, "Look how nice it is here, just like home."

Rehabilitation is a key issue in debates over programs for incarcerated mothers and their children. Advocates argue that the ability to bond and be a good mother is itself rehabilitative. Given evidence in the literature of the limited amount of rehabilitative opportunities in women's prisons, the maternal role should therefore be encouraged. According to Dr. LaPoint, however, "Motherhood by itself will not work magic." She also sees other dangers in residential programs for the children of incarcerated mothers:

> Within the mental health field, there is a trend towards the deinstitutionalization of certain client populations. On the other hand, within the criminal justice field, there is a trend towards institutionalization of individuals convicted of serious crimes. . . . it appears contradictory to institutionalize children who have not been convicted of crimes under the rubric of the rehabilitation of mothers. Children would be subjected to a restricted form of residential living. There is another issue related to institutionalization. It may be that if facilities are made better for incarcerated mothers, who generally comprise a majority of the incarcerated women population, judicial officials may in fact begin to sentence women to institutionalized settings as opposed to probation and/or assign longer sentences in institutionalized settings.

Social Context and Alternatives. We need to understand the total context of the family, the child, the prison setting, and the society. We need to be aware of what happened prior to imprisonment. Many women had their children as teenagers and at the same time faced other crises such as limited opportunities for employment, substance abuse, etc., which led to criminal activity. They lacked a sense of responsibility. There are also ethnic and class differences in family functioning and child-rearing. Lower-income whites tend to use available social service agencies, while blacks fear that by going to social service agencies they will lose their children.

We need to address preventive measures in considering funding priorities and perhaps spend funds on services for mothers prior to their incarceration. We also need to consider alternatives to residential programs. Says LaPoint:

> I am convinced that high quality programmatic efforts have not been fully implemented to assist incarcerated mothers and children during incarceration, while mothers and children are separated. Reports have indicated that correctional and social service agencies have historically neglected this group of families. Yet now some individuals advocate extreme types of treatments, namely residential programs, as solutions when other viable alternatives have not been proposed or implemented. Given many unanswerable questions and other possible negative consequences emanating from some types of mother-child programs, I advocate the use of alternative programs as opposed to residential programs.

Recommendations

1. For humanitarian and moral reasons, more can be done for inmates' children and their families. The extent to which infants and young children can be cared for at correctional institutions must be decided on the basis of the amount of funds a state is willing to commit to such programs and individual institutional circumstances.

2. In some cases, a child's best option may be to remain with his or her mother in a correctional

institution, particularly when placement with other family members is not possible. The placement decision should be decided on a case-by-case basis (Brodie, 1982; consensus of Iowa pediatricians; *Wainright v. Moore,* 374 So. 2nd 586, Florida District Court of Appeals, 1979) by regional foster care review boards.

3. The reasons for discontinuing prison nurseries seem to have been administrative or political ones. There is no research evidence indicating their abandonment was related in any way to the program's benefits or lack of benefits to children, inmates, or the institution. It may be useful, therefore, to reinstate previously existing programs. With appropriate funding and support, they may yet prove worthwhile. This is as true of prison nurseries as of penal colonies. Without adequate research and evaluation we will never know.

4. Given the experience of several states with prison nurseries, a valuable restrospective study could be made of former prison mothers and children who lived with them in correctional institutions in Florida, Illinois, Kansas, Massachusetts, New York, and Virginia.

5. The state of Iowa has had legislation since 1967 authorizing the use of work release for incarcerated mothers to care for their children and families. In 1974, the law was expanded to include incarcerated fathers. Greater use of such statutes should be considered by other states in order to maintain the family unit.

Programs for incarcerated parents and their families require a clearer commitment on the part of correctional professionals and legislators regarding the goals of corrections.

Traditional ideological conflicts among advocates of security/control, punishment, revenge, retribution, deterrence, reintegration, or rehabilitation have negative consequences for the inmate and his/her family. Their resolution is not likely to come from higher mountains of rhetoric, but from the willingness of decision makers and policymakers to be more open-minded and supportive of scientific evaluation of their policies and programs.

With determination, we could replace a habit of imposing what is best for an elite, the powerful, or an interest group with a commitment to explore what is best in the long run for citizens to live in peace and cooperation.

5. Resources

A. Programs for Incarcerated Mothers and Children

This comprehensive table presents a state-by-state illustration of seven types of programs for inmate parents and their children. It includes: prison nurseries, overnight stays, family and conjugal visits, children's and day care centers, parenting classes, furloughs, and availability of community facilities. It also identifies the specific institutions and programs surveyed in this study, as well as the number of female prisoners held in the facilities at the time of the survey.

B. Uniform Law Commissioners Model Sentencing and Corrections Act

Correctional administrators considering or planning programs for inmate parents and their children may want to refer to the model act for guidance. It represents a thoughtful attempt to respond to the issues confronting institutions seeking to preserve their inmates' parental relationships.

C. Contacts

The individuals listed with their addresses in this section either responded to the survey or provided direct information on their institutions' programs and services for inmate parents. Other individuals listed provided expert opinion on legal, child development or correctional issues.

D. References

This bibliography includes all of the documentary references cited in the text. It represents an extensive survey of the literature concerning programs for incarcerated parents and children.

A. Programs for Incarcerated Mothers and Children

State	Prison Nurseries	Overnight Visits with Children	Family Visits/ Conjugal Visits	Children's and Day Care Centers	Parenting Classes for Inmates	Furloughs	Community Facilities for Mothers and Children	Number of Female Inmates Surveyed	Institutions and Other Programs
AL	No	No	Family: yes Conjugal: no	No	Yes	Yes	No	N = 282	Tutwiler Prison, Wetumpka
AK	No	Yes	No	No	Yes	Yes	No	N = 34	Meadow Creek Correctional Center, Eagle River
AZ	No No	Yes No	No No	Yes No	Yes Yes	Yes No	No No	N = 150 N = 180	Center for Women, Phoenix/Minimum Security Correctional Training Center, Prairieville; Santa Maria/Medium-Maximum Security
AR	No	No	No	Yes	Yes	Yes	No	N = 172	Pine Bluff
CA	No	Yes	Yes	Yes	Yes	No	Yes	N = 1,400	Frontera
CO	No	No	No	No	Yes	Yes	No	N = 103	Canon City
CT	No	No	No	No	Yes	Yes	No	N = 255	Niantic—Mothers in Prison Project; Parents Anonymous; New Directions; Creative Arts for Mothers and Children
DE	No	No	No	No	Yes	Yes	No	N = 81	Claymont
FL	No No	No No	No No	No No	Yes Yes	Yes Yes	No No	N = 519 N = 555	Lowell/Medium Security Broward/Maximum Security. Last year of incarceration is in community centers where furloughs are possible. Furloughs allowed for minimum security inmates for baby's birth and following six weeks

A. Programs for Incarcerated Mothers and Children (continued)

State	Prison Nurseries	Overnight Visits with Children	Family Visits/ Conjugal Visits	Children's and Day Care Centers	Parenting Classes for Inmates	Furloughs	Community Facilities for Mothers and Children	Number of Female Inmates Surveyed	Institutions and Other Programs
GA	No	No	No	Planned	Yes	Yes	No	N = 537 N = 191	Hardwick—Sesame St. program; Parole Reprieve for pregnant inmates; Mothers Group liaison with foster care agencies Community facilities
HI	No	No	No	No	Yes	Yes	No	N = 74	Women's Correctional Facility, Kailua
ID	No	No	No	No	Yes	Yes	No	N = 39	North Idaho Correctional Institution, Cottonwood
IL	No	No	No	No	Yes	From pre-release community center	No	N = 500 N = 20 N = 28 N = 2 N = 40	Dwight (Salvation Army) St. Louis, MO (Salvation Army) Chicago Community Correctional Center, Springfield Community Correctional Center, Chicago
IN	No	No	No	No	Yes	Yes	No	N = 194 N = 146 N = 55	Westville Indiana Women's Prison, Indianapolis Indianapolis Women's Work Release Center
IA	No	No	No	Yes	Yes	Yes	No	N = 104	Liberal furlough policies; Residents and Family Together (R.A.F.T.) Program includes funds for transportation for visiting
KS	No	No	No	No	Yes	Yes	No	N = 112 N = 40	Lansing/Co-correctional Topeka/Co-correctional—Parenting Group for males and females

A. Programs for Incarcerated Mothers and Children (continued)

State	Prison Nurseries	Overnight Visits with Children	Family Visits/ Conjugal Visits	Children's and Day Care Centers	Parenting Classes for Inmates	Furloughs	Community Facilities for Mothers and Children	Number of Female Inmates Surveyed	Institutions and Other Programs
KY	No	Yes	No	No	Yes	Yes	No	N = 165	Pewee Valley—Kids Day on 10 Saturdays per year. Parenting chapter originally funded by River City Chapter of Business & Professional Women, now funded by the state
LA	No	Planned	No	Planned	Yes	Yes	No	N = 354	St. Gabriel—Program for Caring Parents
ME	No	No	No	No	Yes	Yes	No	N = 26	South Windham
MD	No	No	No	No	Yes	Yes	No	N = 360	Jessup—M.A.P. (Mutual Agreement Programming)
MA	No	Planned	Family: Yes Conjugal: No	Yes	Yes	Yes	Yes	N = 244 N = 31	Framingham—Children's Visiting Area; Parenting Center; Parent/Child Activity Programs; Project PACT (Parents and Children Together); A.I.M. (Aid to Incarcerated Mothers); Children's Play Activities Group; Mothers' Day Brunch; Parenting Workshops Lancaster
MI	No	No	No	Yes	Yes	From community centers	No	N = 388	Ypsilanti
MN	No	Yes	No	Yes	Yes	Yes	No	N = 73	Shakopee—Second Chance Program
MS	No	Yes	Yes	No	Yes	Yes	No	N = 200	State Penitentiary—Parchman Family Visitation Program

A. Programs for Incarcerated Mothers and Children (continued)

State	Prison Nurseries	Overnight Visits with Children	Family Visits/ Conjugal Visits	Children's and Day Care Centers	Parenting Classes for Inmates	Furloughs	Community Facilities for Mothers and Children	Number of Female Inmates Surveyed	Institutions and Other Programs
MO	No	Planned	No	Yes	Yes	Yes	No	N = 160	Renz—Parents and Their Children (P.A.T.C.H.) Program
MT	No	Planned	No	No	Yes	No	No	N = 19	Anaconda, opened in 1982 on grounds of mental hospital
NE	No	Yes	No	Yes	Yes	Yes	No	N = 77	York—M.O.L.D. (Mother Offspring Life Development Program)
NV	No	No	No	Planned	Yes	Yes	No	N = 160	Carson City—had a grant for a Family Life Activities Center, but funding ended
NH			(Female felons are transferred out of state)						
NJ	No	Yes	No	Yes	Yes	Yes	No	N = 315	Clinton—Parents Anonymous; Title XX/Salvation Army retreat camp for mothers and children
NM	No	Yes	Planned	Planned	Yes	Yes	No	N = 69	Correctional Center for Women at Grants—Alcoholics Anonymous; Narcotics Anonymous; Prison Fellowship; Abundant Life Outreach; M.O.L.D.; furloughs for minimum security residents.
NY	Yes	Yes	Yes	Yes	Yes	Yes	Yes	N = 600	Bedford Hills—funded by state and Catholic charities
NC	No	Yes	No	Yes	Yes	Yes	Yes	N = 575	Raleigh—Sesame Street; Mothers Support Group; short-term nursery

A. Programs for Incarcerated Mothers and Children (continued)

State	Prison Nurseries	Overnight Visits with Children	Family Visits/ Conjugal Visits	Children's and Day Care Centers	Parenting Classes for Inmates	Furloughs	Community Facilities for Mothers and Children	Number of Female Inmates Surveyed	Institutions and Other Programs
ND	No	No	No	No	No	No	No	N = 5	North Dakota Penitentiary Bismarck
OH	No	No	No	No	Yes	Yes	No	N = 923	Marysville – eligible for furlough three to four times a year, after two years of "honor status"; nursery for newborn babies up to six months; closing contemplated
OK	No	Yes	No	No	Yes	No	No	N = 338 N = 50	Oklahoma City – overnight visits at Community Treatment Center only Tulsa
OR	No	No	No	No	Yes	Yes	No	N = 81	Salem
PA	No	No	No	No	Yes	Yes	No	N = 416 N = 12	Muncy – Mr. Rogers Foundation; Prison Fellowship; short-term nursery Waynesburg
RI	No	No	No	No	Nutrition, personal hygiene	Yes	No	N = 33	Cranston
SC	No	No	Yes	Yes	Yes	Yes	No	N = 318	Columbia – Mother/Child Day; Just for Kids; visiting room
SD	No	Yes	No	Yes	Yes	Yes	No	N = 48	Yankton – P.A.C.T. (Parent and Child Together)
TN	No	Yes	No	No	Planned	Yes	No	N = 254 N = 80	Prison for Women, Nashville/medium/maximum security – weekend child visitation program Minimum security

A. Programs for Incarcerated Mothers and Children (continued)

State	Prison Nurseries	Overnight Visits with Children	Family Visits/ Conjugal Visits	Children's and Day Care Centers	Parenting Classes for Inmates	Furloughs	Community Facilities for Mothers and Children	Number of Female Inmates Surveyed	Institutions and Other Programs
TX	No	No	Family: yes Conjugal: no	No	"Home-making useful"	Yes	No	N = 991 N = 738	Gatesville Mountain View
UT	No	No	No	No	Yes	Yes	No	N = 57	State Prison, Draper
VT	No	No	No	No	Planned	Yes	No	N = 11	Chittenden
VA	No	No	No	Yes	Yes	Yes	No	N = 325	Goochland—M.I.L.K. (Mothers Inside Loving Kids); Sesame Street; Parents Anonymous
WA	No	Yes	Yes	Yes	Yes	Yes	For substance abusers	N = 166	Purdy Treatment Center for Women, Gig Harbor—Day Away for inmates for 12 hours; substance abuse treatment program as alternative to incarceration
WV	No	No	No	Yes	Yes	Yes	No	N = 650	Federal Correctional Institution, Alderson, contract with state for female offenders
WI	No	No	No	Yes	Yes	Yes	No	N = 185	Taycheedah—T.T.T. (Together Today for Tomorrow)
WY	No	Yes	Family: Yes Conjugal: No	Yes	Yes	Planned	No	N = 27	Evanston—female family members visit overnight

B. Uniform Law Commissioners Model Sentencing and Corrections Act (Source: Stanton, 1980, pp. 187-188)

Section 4-1116. (Preserving Parental Relationships.)

A. The director shall:
1. assist confined persons in (i) communicating with their children and otherwise keeping informed of their affairs, and (ii) participating in decisions relating to the custody, care, and instruction of their children; and
2. provide any confined person or any person accused of an offense access to relevant information about child-care facilities available in the department, counseling, and other assistance in order to aid the person in making arrangements for his child.

B. The director may:
1. establish and maintain facilities or parts of facilities suitable for the care and housing of confined persons with their children;
2. authorize periodic extended or overnight visits by children with a confined person;
3. authorize a child, upon the request of the confined person, to reside with the person in a facility while the person is entitled to custody of the child or if the person gives birth to the child during confinement.

C. In determining whether a child may reside in a facility or visit a facility on an extended or overnight basis pursuant to subsection (b), the following factors, among others, must be considered:
1. the best interest of the child and the confined person;
2. the length of sentence imposed on the confined person and the likelihood that the child could remain in the facility throughout the confined person's term;
3. the nature and extent of suitable facilities within the department;
4. available alternatives that would protect and strengthen the relationship between the child and the confined person; and
5. the age of the child.

D. A child may not reside in a facility or visit a facility on an extended or overnight basis if:
1. the division of correctional medical services certifies that the confined person is physically or emotionally unable to care for the child;
2. the (Department of Welfare) certifies that the conditions in the facility will result in a substantial detriment to the physical or emotional well-being of the child; or
3. the (juvenile, family court) orders that the child not do so.

E. Whenever a child is authorized to reside in a facility or visit a facility on an extended or overnight basis, the director shall provide for the child's basic needs including food, clothing, and medical care if the confined person is unable to do so. The department is subrogated to any rights the confined person has against any other person or organization on account of those expenses.

F. Whenever the director allows a child to reside with a confined person in a facility he shall notify the (Department of Welfare) which may take any action authorized by law to protect the best interest of the child.

G. This section does not limit or otherwise affect the power of a court to determine the nature and extent of parental rights of confined persons or to determine the custody of children.

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